

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DENNY OWENS, JR.,

Defendant.

CR 16-65-GF-BMM-JTJ

**FINDINGS AND
RECOMMENDATIONS**

I. Synopsis

Defendant Denny Owens, Jr. (Owens) has been accused of violating the conditions of his supervised release. Owens admitted all of the alleged violations. Owens's supervised release should be revoked. Owens should be placed in custody for 3 months, with 21 months of supervised release to follow. Owens should serve the first 90 days of supervised release at Connections West in Butte, Montana.

II. Status

Owens pleaded guilty to Domestic Abuse by an Habitual Offender on December 13, 2016. (Doc. 24). The Court sentenced Owens to 29 months of custody, followed by 2 years of supervised release. (Doc. 41). Owens's current

term of supervised release began on December 28, 2018. (Doc. 43).

Petition

The United States Probation Office filed a Petition on February 11, 2019, requesting that the Court revoke Owens's supervised release. (Doc. 43). The Petition alleged that Owens had violated the conditions of his supervised release: 1) by consuming alcohol on four separate occasions; 2) by committing another crime; and 3) by failing to report for substance abuse testing.

Initial appearance

Owens appeared before the undersigned for his initial appearance on April 9, 2019. Owens was represented by counsel. Owens stated that he had read the petition and that he understood the allegations. Owens waived his right to a preliminary hearing. The parties consented to proceed with the revocation hearing before the undersigned.

Revocation hearing

The Court conducted a revocation hearing on April 9, 2019. Owens admitted that he had violated the conditions of his supervised release: 1) by consuming alcohol on four separate occasions; 2) by committing another crime; and 3) by failing to report for substance abuse testing. The violations are serious and warrant revocation of Owens's supervised release.

Owens's violations are Grade C violations. Owens's criminal history category is I. Owens's underlying offense is a Class D felony. Owens could be incarcerated for up to 24 months. He could be ordered to remain on supervised release for up to 24 months, less any custody time imposed. The United States Sentencing Guidelines call for a term of custody of 3 to 9 months.

III. Analysis

Owens's supervised release should be revoked. Owens should be incarcerated for 3 months, with 21 months of supervised release to follow. Owens should serve the first 90 days of supervised release at Connections West in Butte, Montana. This sentence is sufficient but not greater than necessary.

IV. Conclusion

The Court informed Owens that the above sentence would be recommended to Judge Morris. The Court also informed Owens of his right to object to these Findings and Recommendations within 14 days of their issuance. The Court explained to Owens that Judge Morris would consider a timely objection before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose. Owens stated that he wished to waive his right to object to these Findings and Recommendations, and that he wished to waive his right to allocute before Judge Morris.

The Court **FINDS:**

That Denny Owens, Jr. violated the conditions of his supervised release by consuming alcohol, by committing another crime, and by failing to report for substance abuse testing.

The Court **RECOMMENDS:**

That the District Court revoke Owens's supervised release and commit him to the custody of the United States Bureau of Prisons for a term of 3 months, with 21 months of supervised release to follow. Owens should serve the first 90 days of supervised release at Connections West in Butte, Montana.

**NOTICE OF RIGHT TO OBJECT TO FINDINGS AND
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO
OBJECT**

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of Electronic Filing. 28 U.S.C. § 636(b)(1). A United States district court judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district court judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district court judge, and may waive the right to appear and allocute before a

district court judge.

DATED this 10th day of April, 2019.



John Johnston
United States Magistrate Judge